

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:)	PETITION FOR
)	DECLARATORY RULING
TERESA KITAEFF)	
)	
Petitioner.)	

DECLARATORY RULING

COMES NOW the Alabama Board of Nursing, by and through its Executive Officer Peggy Sellers Benson, RN, MSHA, MSN, NE-BC, and issues the following ruling:

QUESTION PRESENTED

Pursuant to ABN Administrative Code § 610-X-5-.03(3), is Kitaeff eligible for a certificate of qualification to engage in advanced practice nursing despite not having received a master's degree in advanced practice nursing?

FINDINGS OF FACT

1. On or about March 13, 2021, Kitaeff submitted a Declaratory Ruling Request.
2. Kitaeff seeks relief from the requirement that advanced practice nurses have earned a master's degree in advanced practice nursing to be eligible for a certificate of qualification to engage in advanced practice nursing.
3. Kitaeff's nursing education, licensure, and certification history is as follows:
 - Nursing Diploma Norfolk General Hospital School of Nursing (1986)
 - Licensed RN in Kentucky (1986-1994)
 - Licensed RN in the District of Columbia (1987-2006) and (2014-2022)
 - Certificate Georgetown University School of Medicine, Neonatal Nurse Practitioner Program (1990)
 - Neonatal Nurse Practitioner Certification NCC (1992-2022)
 - Licensed RN in Virginia (1993-2021) (now multistate)
 - Licensed Nurse Practitioner in District of Columbia (1998-2006) and (2014-2022)
 - Licensed Nurse Practitioner (Neonatal with Prescriptive Authority) in Virginia (2004-2021)
 - University of Phoenix RN to BSN Program (BSN 2009)
4. Kitaeff worked for Georgetown University Hospital from 1987 to 2005, first as a RN and then as a Neonatal Nurse Practitioner, in the areas of maternal-fetal care and neonatal intensive care. From 2005 until 2016, Kitaeff worked as a Neonatal Nurse Practitioner for Fairfax Neonatal Associates, providing care at Inova Fairfax and Inova Loudon hospitals. From 2016 until the present, Kitaeff has been employed as a Neonatal Nurse Practitioner at Children's National Medical Center, where she participates on a multidisciplinary team caring for critically ill infants.

JURISDICTION

Pursuant to Section 41-22-11 of the Code of Alabama (1975), the Alabama Board of Nursing has jurisdiction to issue declaratory rulings with respect to the validity of a rule, with respect to the applicability to any person, property or state of facts of any rule or statute enforceable by it, or with respect to the meaning and scope of any order of the agency, if a written petition for declaratory ruling is filed by a person who states with specificity the reason why the person is substantially affected by the rule at issue. See also Alabama Board of Nursing Administrative Code § 610-X-1-.09. Kitaeff is substantially affected by the Board's rule requiring a master's degree in advanced practice nursing to obtain a certificate of qualification to engage in advanced practice nursing.

CONCLUSIONS OF LAW

1. A petition for declaratory ruling to the Alabama Board of Nursing should state the name and address of the petitioner, a statement of facts sufficient to show that the petitioner is substantially affected by the rule, and identification of the rule, statute or order and the reasons for the questions. Alabama Board of Nursing Administrative Code § 610-X-1-.09. Petitioner has satisfied these requirements.
2. The Board of Nursing is the sole state authority that may establish the qualifications for issuance of certificate of qualification to engage in advanced practice nursing. Code of Alabama (1975) § 34-21-84.
3. The ABN's rules currently require that an applicant possess at least a master's or higher degree in advanced practice nursing from an accredited program recognized by the Board. ABN Administrative Code § 610-X-5-.03(1)(c). Exemption from the master's degree requirement is permitted for an applicant who either graduated prior to 1996 from a Board-recognized post-baccalaureate program preparing nurse practitioners or graduated prior to 1984 from a non-baccalaureate program preparing nurse practitioners. ABN Administrative Code § 610-X-5-.03(2). Further, ABN rules permit the ABN to grant a waiver of the master's degree requirement at its discretion ABN Administrative Code § 610-X-5-.03(3).
4. Kitaeff did not graduate from the non-baccalaureate program preparing nurse practitioners until 1990, so the exemption for such graduates does not apply to her.
5. Kitaeff has subsequently completed a BSN degree. Additionally, Kitaeff has been certified by NCC as a Neonatal Nurse Practitioner since 1992, and she appears to have worked as a Neonatal Nurse Practitioner continuously since earning that certification.
6. Because the ABN rules include a mechanism to waive the master's degree requirement in addition to the exemptions from the master's degree requirements, it is apparent that the ABN intended to permit approval (in its discretion) of persons without master's degrees who do not meet the requirements for exemption.

RULING

The Petition for a Declaratory Ruling is hereby granted, and the Alabama Board of Nursing hereby rules as follows:

1. Pursuant to Alabama Board of Nursing Administrative Code § 610-X-5-.03(3), and taking into consideration Kitaeff's education, licensure, certification, and extensive advanced practice clinical experience, the ABN waives the requirement that Kitaeff have a master's degree in advanced practice nursing to be eligible for a certificate of qualification to engage in advanced practice nursing.

DONE and **ORDERED** on this the 19th day of March, 2021.

ALABAMA BOARD OF NURSING



PEGGY SELLERS BENSON, RN, MSHA, MSN, NE-BC
EXECUTIVE OFFICER

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 22nd day of March, 2021, a true and correct copy of the foregoing Declaratory Ruling was served by forwarding the same by United States certified mail, postage prepaid, and addressed as follows:

TERESA KITAEFF
9020 FORT CRAIG
BURKE VA 22015

ALABAMA BOARD OF NURSING



**PEGGY S. BENSON, RN, MSHA, MSN, NE-BC
EXECUTIVE OFFICER**

ADDRESS OF COUNSEL:

Alice Maples Henley
General Counsel
Alabama Board of Nursing
Post Office Box 303900
Montgomery, Alabama 36130-3900
334-293-5200 (Telephone)
334-293-5201 (Facsimile)